

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25TH DAY OF JULY, 2005 AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Mary W. Biggs	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	Karen Edmonds	-Human Resource Director
	T.C. Powers	-Planning & GIS Director
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request

Frank and Ruth Cupp (Agent: Mathews & Henegar) request to rezone approximately 1.75 acres from Residential (R-3) to Residential Multiple-Family (RM-1), with possible proffered conditions, to allow the construction of five (5) townhomes. The property is located at 1138 & 1140 Huff Lane (Rte. 733) and is identified as Tax Parcel No. 66-6-3 (Acct ID # 000378) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief summary of the request. The applicant is requesting to rezone 1.75 acres from residential to residential multi-family to allow the construction of five townhomes. In August 2004, The Board of Supervisors approved a rezoning of this property to allow for three duplexes with six dwellings. This request is changing the scope of development from three duplexes with two dwellings each to five townhomes.

At their July 13, 2005 meeting, the Planning Commission recommended approval of this request subject to the following four conditions:

1. The rezoning is limited to Residential Multi-Family (RM-1) to allow the construction of five (5) single family attached townhouses.
2. A "Type 1" landscape buffer plan shall be provided and installed prior to obtaining a building permit.
3. There will be no vehicular access to Arden Lane from the site.
4. Only one (1) driveway to serve the five (5) attached townhouses; driveway to be placed on the west side of the property (when facing the property from Huff Lane, the driveway is to be on the left side of property, approximately where the existing driveway is now).

There being no speakers, the public hearing was closed.

Special Use Permit

Charlie & Vickie Taylor (Agent: Harvey & Patricia Hill) request a special use permit, with possible conditions, on a 0.865 acre parcel in Agriculture (A-1) to allow custom meat cutting, processing & sales, including slaughter. The property is located at 2959 Peppers Ferry Road (Rte. 114) and is identified as Tax Parcel No. 64-A-138D (Acct ID # 031830) in the Riner Magisterial District. The property currently lies in an area designated as Belview Village in the Comprehensive Plan

The Zoning Administrator provided a brief summary of the request. The applicant is requesting a special use permit to allow a custom meat cutting, processing, and sales business on Prices Fork Road. The special use permit application included slaughter, which became an issue at the Planning Commission meeting; however, the applicant indicated that no slaughter would be performed. The proposal is expected to have minimal impact to the area, as the majority of the business will be seasonal. The Virginia Department of Agriculture will require proper permits and inspections of the business due to the processing of domestic animals. Therefore, all proper permits will be needed prior to opening the business. The Virginia Department of Transportation is requiring a commercial entrance. The applicant and VDOT are still negotiating the type of land use permit required. The Zoning Administrator recommends that the Board of Supervisors add to the conditions that a land use permit be required from VDOT prior to the issuance of a building permit.

At their July 13, 2005 meeting, the Planning Commission recommended approval of the request subject to seven conditions as follows:

1. This special use permit authorizes custom meat cutting, processing & sales only – no slaughter shall occur on site. The building(s) involved in this use shall not exceed 900 square feet in area and shall be located no closer than thirty (30) feet to the side property lines.
2. The hours of operation will be 7am to 11pm with receipt of animals 7am to 8pm.

3. A buffer consisting of evergreen trees six feet in height and spaced 15 feet apart shall be planted along the eastern and western property lines. Dead or diseased trees shall be replanted with new evergreen trees at least six (6) feet in height. This planting shall occur prior to occupancy of the proposed building.
4. There will be no retail sales on the property.
5. Pursuant to Virginia Department of Agriculture and Consumer Services regulations, this facility will be inspected by the Virginia Department of Agriculture if beef, poultry, pork or lamb is processed.
6. All waste shall be contained in a leak-proof container and kept in a secure area. Containers shall be collected on a regular basis for proper disposal.
7. The facility shall comply with all state and federal regulations applicable to custom meat cutting, processing, and sales.

Dallas Taylor addressed the Board with concerns relating to the proposed request. Mr. Taylor operates a meat cutting business in the same area as the proposed request. He expressed concern that when he applied for a special use permit he had to go through a more detailed process and had to be more specific about the operation of his business to the Planning Commission. Also, he did not have to have a commercial entrance due to the nature of his business being seasonal, not year round. Due to this request, he may have to obtain a commercial entrance. He believe this request will affect his business.

Charlie Taylor, applicant, explained that the business will be primarily seasonal. He believes their busiest part of the year will be during the hunting season and estimates it will be 99% of their business. Mr. Taylor stated there is a need for another meat processing business in the County. Other facilities of this nature have turned away customers in the past due and believes there is a high demand for another facility. Mr. Taylor addressed the concern with the commercial entrance required by VDOT. He stated a turn lane is not necessary but they do require a commercial entrance and they are working with VDOT on this issue. Mr. Taylor addressed the concerns by neighbors of the Planning Commission requirement for a buffer of six foot evergreen trees planted along the eastern and western portion of the property. Neighbors have voiced opposition to this as they feel it would block their view. He is willing to install a blind fence around the property instead of the planting of trees, if so desired. Mr. Taylor also addressed several concerns expressed by the Board of Supervisors, such as, the hours of operations, parking, and proper disposal of waste. He urged the Board of consider approving his request.

Harvey Hill, agent, spoke in support of the proposed request. Mr. Hill indicated he would be the primary operator of the business. He is a certified meat cutter for Kroger and knows the operation for a meat processing, cutting business. The building shall not exceed 900 sq. ft, as recommended by the Planning Commission. Mr. Hill asked the Board to approve the proposed request.

Yvan Beliveau addressed several concerns relating to the business. He commented that all waste should be kept inside and have proper disposal. He also wanted to know if there were requirements for the type of fence that would be installed if trees were not planted. Mr. Beliveau pointed out that the County has proposed this area to be part of the Belview Village Plan, therefore retail should be offered in the village planning stage.

Charlie D. Taylor, Jr. spoke in support of the proposed request. Mr. Taylor stated there is a need and demand for a meat processing business in the County. He indicated last hunting season, customers were turned away at Custom Meat Cutting and Taylor's due to the high demand. Mr. Taylor urged the Board to approve this request.

Gary Meadows expressed concerns with traffic on the proposed request. Mr. Meadows stated that Peppers Ferry Road (SR114) is already saturated with traffic along this particular strip with Massies Trailer Park, Taylor's Meat Cutting, and the Vicker Switch intersection. Mr. Meadows also pointed out that the Board should not make comparisons to the meat processing business operated by Dallas Taylor and the proposed meat processing business. They are totally different and should be treated as such. Dallas Taylor's business is strictly seasonal while the Charlie Taylor's business is proposed to be year round.

There being no further speakers, the public hearing was closed.

Rezoning Request

R. Douglas & Kathy Bunn request to rezone a 48.331 acres from Agriculture (A-1) to Rural Residential (R-R), with possible proffered conditions, to allow a single family subdivision containing approximately 13 lots. The property is located on the south side of MudPike (Rte. 666) at the Seven Mile Tree Road (Rte. F-059) intersection and is identified as Tax Parcel No. 104-A-75, 75E (Acct ID # 002779, 120045) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator made a presentation on the above request. The applicant is requesting to rezone approximately 48 acres from Agriculture to Rural-Residential to allow for a single family subdivision for approximately thirteen (13) lots. The 48 acre parcel is divided into two separate parcels as the applicant recently subdivided the parent parcel and sold a 20 acre lot in the middle of the two. There is a 19 acre parcel with 6 proposed lots and a 28 acre parcel with 7 proposed lots. The proposed request will create some impact to the surrounding properties. The desired use of the property will generate additional traffic, noise, and additional school children. All lots are proposed to be served by private wells and individual septic systems. However, the County's 1999 water plan calls for an extension of an 8" water line along Mud Pike to tie into the current system at Heritage Place Subdivision. Public water is adjacent to this property at the Mud Pike/Seven Mile Tree Road intersection, therefore, staff recommends that public water should be extended to serve any homes on the rezoned property with fire hydrants. This will provide residents with a clean, safe drinking water supply and provide protection that is currently not available to the area. The applicant has not submitted any proffers to date.

At their July 13, 2005 meeting, the Planning Commission recommended approval of rezoning only the 19 acre portion from A-1 to RR to allow a single family subdivision provided that public water can be provided to serve all lots along with fire hydrants. The Planning Commission did not recommend rezoning the 28 acre parcel. The applicant by right can divide the 28 acre parcel into 3 lot assignments.

The Zoning Administrator explained that the applicant has not submitted any proffers to the Board of Supervisors and if the Board desires any conditions to be added to the ordinance then the applicant must proffer the conditions.

Douglas Bunn, applicant, spoke on behalf of his request. Mr. Bunn expressed several concerns regarding fire hydrants and public water. He stated he would pay his fair share to extend the water lines and install one fire hydrant but the Public Service Authority stated he would have to pay 100% of the cost of \$125,000 plus a connector fee for each lot, which he believes to be cost prohibitive. He also believes the requirement for additional fire hydrants is a ruse to extend the water lines and require him to burden the entire cost. Mr. Bunn stated he was willing to proffer five lots on the 19 acres and four lots on the 28 acre lot.

The County Attorney advised Mr. Bunn that any proffers offered by him would have to be in writing and a new public hearing would be scheduled. Mr. Bunn agreed to submit his proffers in writing.

The Board by consensus agreed to re-schedule Mr. Bunn's rezoning request for August 22, 2005 in order to allow Mr. Bunn to submit any proffers.

There being no further speakers, the public hearing was closed.

Special Use Permit – WITHDRAWN

Ellett Valley Development Co. (Agent: Gay & Keesee, Inc.) requests a special use permit, with possible conditions, on approximately 10.918 acres in Community Business (C-B) to allow single family dwellings. This request also includes a proposal to vacate and relocate approximately 600 feet of right of way at the southern end of Cascades Road. The property is located on the east side of Cascades Road and is identified as Tax Parcel No. 55-A-B2 (Acct ID # 033633) in the Mt. Tabor Magisterial District. The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

By letter dated July 20, 2005, the applicant, Ellett Valley Development Co, withdrew their request for a Special Use Permit and reserve the right to reapply at a later date. Ellett Valley Development Co. is actively pursuing answers to some of the questions that were raised at the Planning Commission public hearing on the request.

Vacate Right-of-Way – Birdie Road – Blacksburg Country Club Estates

Elaine E. Flippo requests to vacate the portion of Birdie Road right-of-way (as designated on original plat) adjoining Lot 713 of Blacksburg Country Club Estates (Tax Parcel No.056-3-713, Account ID# 003991) and add this portion to Lot 713 in accordance with the provisions of Section 15.2 – 2272.2 of the Code of Virginia, as amended.

Vacate Right-of-Way – Birdie Road – Blacksburg Country Club Estate **Frank Tomasson Jannuzi and Barbara G. Jannuzi request to vacate the portion of Birdie Road right-of-way (as designated on original plat) adjoining Lot 712 of Blacksburg Country Club Estates** (Tax Parcel No.056-3-712, Account ID# 012463) and add this portion to Lot 712 in accordance with the provisions of Section 15.2 – 2272.2 of the Code of Virginia, as amended.

The Planning Director provided a brief overview on the above two requests. The property owners of Lot 712 and Lot 713 in the Blacksburg Country Club Estates have requested a portion of right-of-way on Birdie Road be vacated and reverted back to them due to the non-construction of this road. Currently, Birdie Road is not constructed and the probability that it will not be, therefore, the property owners would like to vacate the right-of-way.

John Moore, President, Blacksburg Country Club Estates Homeowners Association, addressed the Board with concerns about the stormwater runoff that is diverted through Lot 712 and Lot 713. Mr. Moore expressed concern with the potential flooding if development occurs on these lots affecting the flow of the stormwater drainage. He asked that the County review this before approving the vacation of right-of-way request.

Larry Ball stated he purchased Lot 713 and was available to answer any questions.

Board members were concerned with changing the direction of the stormwater runoff and they directed staff to investigate this concern. Chair Creed also expressed concern with the sewer issue that has plagued Blacksburg Country Club Estates over the years. He asked why building permits were still being issued when there is a sewer problem. The County Administrator explained that the sewer system is owned and operated by a private business and monitored by the Virginia Department of Environmental Quality (DEQ). It is his understanding that as long as there is no moratorium placed on the system, then permits can be issued. The County Administrator will check with the New River Health Department to see if any restrictions have been placed on the sewer and what the sewer capacity is.

There being no further speakers, the public hearing was closed.

Rezoning Request

Emory Elliott (Agent: Catherine Hauck) requests to rezone 1.97 acres from Agriculture (A-1) to Community Business (C-B), with possible proffered conditions, to allow a restaurant.

The property is located at 4338 Prices Fork Road and is identified as Tax Parcel No. 51-A-101 (Acct ID # 013755) in the Prices Fork Magisterial District. The property currently lies in an area designated as Village Core in the Comprehensive Plan.

The Zoning Administrator presented a brief overview of the request. The request is to rezone 1.97 acres from agriculture to community business. This parcel is located on Prices Fork Road and at one time was a convenience store. The original rezoning request was to allow a restaurant at this site. As of today, the applicant reported that the restaurant is no longer planned, but he still wishes to proceed with the rezoning of this site.

At their July 13, 2005 meeting, the Planning Commission recommended approval of the rezoning to community business with the uses under the community business designation be limited to the following:

1. Garden Center
2. General convenience store without fuel sales
3. Office, Administrative, Business Professional – less than 3,000 sq. ft.
4. Restaurant
5. Retail Sales – less than 3,000 sq. ft.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated July 25, 2005 was approved.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs
Gary D. Creed

NAY

None

Approval of Minutes

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the minutes dated June 27, 2005 were approved.

A-FY-06-10 REASSESSMENT RE-APPROPRIATION OF FY05 BALANCE

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

153	Reassessment	\$620,773
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$620,773
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Said resolution re-appropriates funds for the Reassessment project.

A-FY-06-11 CHRISTIANSBURG VOLUNTEER FIRE DEPARTMENT FUNDING FOR BRUSH TRUCK

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

330	Christiansburg Volunteer Fire Department	\$ 5,617
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$5,617
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Said resolution appropriates the Christiansburg Fire Department's share for a Brush Truck.

A-FY-06-12
DOG AND CAT STERILIZATION

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

400	Dog and Cat Sterilization	\$2,080
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Designated Fund Balance	\$2,080
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Said resolution appropriates monies received by the Department of Motor Vehicles for Animal Friendly license plates, as part of the Dog and Cat Sterilization Program.

A-FY-06-13
WORKER'S COMPENSATION

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

132	Insurance	\$5,453
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$5,453
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Said resolution appropriates funds to cover the cost of an insurance claim.

A-FY-06-14
ECONOMIC DEVELOPMENT
INDUSTRY INCENTIVE REIMBURSEMENT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

810	Economic Development	\$ 11,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$11,000
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Said resolution appropriates funds for an industry incentive reimbursement.

R-FY-06-09
SPEED STUDY REQUEST
ROUTE 8 IN THE RINER COMMUNITY

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Citizens in the Riner community have expressed concern about the speed limit on Route 8 through the congested business area in their community; and

WHEREAS, Along Route 8 from its intersection with Fairview Church Road (SR 669) and Tuckahoe Drive (SR 1095), this section of Riner has many businesses on both sides of the road, including a post office, a restaurant, several personal service businesses, two gas stations/convenience stores, a middle school and high school, Riner Volunteer Fire Department, entrance to an elementary school and future site for a rescue building, all on a two-lane section of highway; and

WHEREAS, There is a high degree of vehicular as well as pedestrian traffic along this section of Route 8.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia requests the Virginia Department of Transportation to conduct a speed study on Route 8 from its intersection with Fairview Church Road and Tuckahoe Drive to determine the feasibility of reducing the speed limit to 35 mph to improve the safety of this area.

NEW BUSINESS

R-FY-06-10 RESOLUTION CHANGING THE SCOPE OF CIP PROJECT FOR THE SHAWSVILLE VOLUNTEER RESCUE SQUAD

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors has approved and re-appropriated \$50,767 in unspent CIP funds for the purchase of a vehicle for the Shawsville Rescue Squad; and

WHEREAS, The Shawsville Rescue Squad has requested that the scope of the CIP project be changed from a vehicle purchase to (1) the repair of existing asphalt and new paving at the Shawsville Rescue Squad and (2) miscellaneous building repairs; and

WHEREAS, The Shawsville Rescue Squad has requested that the \$50,767 in funds be used for these new projects.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia does hereby change the scope of the CIP project from a vehicle purchase to (1) the repair of existing asphalt and new paving at the Shawsville Rescue Squad and (2) miscellaneous building repairs, and grants the Shawsville Rescue Squad the authority to use the \$50,767 for these new projects.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

R-FY-06-11
REVISIONS TO THE COUNTY
PERSONNEL POLICES AND
PROCEDURES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes changes to the County Personnel Policies and procedures dated July 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

A-FY-06-15
VDOT REVENUE SHARING PROGRAM

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

100	Board of Supervisors	\$19,468
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	
	– Road Maintenance Reserve	\$19,468

Said resolution appropriates a portion of the County's FY 04-05 VDOT Revenue Sharing funds for drainage improvements on Fairview Church Road (SR 669).

The vote on the foregoing resolution was as follows:

AYE

James D. Politis

John A. Muffo

Mary W. Biggs

Doug Marrs

Steve L. Spradlin

Annette S. Perkins

Gary D. Creed

NAY

None

R-FY-06-12
Montgomery County's
Legislative Priorities for 2006

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors, that the Board hereby adopts their 2006 legislative priorities as follows:

FINANCE

Unfunded mandates Montgomery County continues to oppose unfunded mandates from the state or federal government.

Compensation Board Montgomery County supports full state funding for positions and operational costs for constitutional offices.

Judicial System Montgomery County supports legislation to provide adequate state funding for support personnel, offices and equipment for any judicial position it creates.

Interest on Erroneously Assessed Taxes Montgomery County supports amending 58.1-3916 of the Code of Virginia, 1950, as amended, to add language stating that a locality does not have to provide for interest on overpayments due to erroneously assessed taxes when an act or omission on the taxpayers part contributed to the erroneous assessment.

Local Revenue If the General Assembly removes or curtails **any local revenue source,** Montgomery County insists that the General Assembly fully replace the lost local revenue with state funds in amounts to capture projected economic growth and local need. If the state chooses to curtail any local revenue sources, Montgomery County would support the state becoming fully responsible for services currently provided by local governments in a dollar amount no less than any lost local revenues plus any growth in costs of such services. Montgomery County opposes any effort to restrict or limit the growth of real estate revenue, real estate assessments or real estate tax rates.

Montgomery County supports legislation to provide local governments the authority to levy impact fees to pay for cost of capital facilities for new developments, including road construction and maintenance.

Portion of Income Taxes Returned to Localities Montgomery County supports legislation to distribute a percentage of individual income tax revenues to localities, or the authority to levy a local income tax.

Local Option Sales and use tax Montgomery County supports a harmless provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Merchants Capital and BPOL Tax Montgomery County supports a harmless provision to ensure localities are not subject to a loss of revenue due to any state enabling reduction in this tax.

Impact on local tax base of state-owned land Montgomery County requests that the Joint Legislative Audit and Review Commission (JLARC) prepare a financial impact analysis of real estate taxes that would have been received from land and buildings owned by Virginia Polytechnic Institute and State University, the Virginia Tech Foundation, and Radford University Foundation to determine the loss in revenue to Montgomery County.

Situs for Taxation Montgomery County supports legislation amending Section 58.1-3511A of the Code of Virginia, 1950, as amended, requiring that situs for the assessment and taxation of tangible personal property, merchant's capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are normally garaged, docked or parked) be the county, district, town or city in which the property is normally used, located or held out for sale instead of where the property may be physically located on tax day. The purpose of the change is to prevent tax payers from being able to move their tangible personal property, merchants capital or machinery and tools out of the locality where the property is normally kept throughout the year on a tax day in order to avoid being assessed for the tax by claiming that the property was not physically located in the locality on tax day.

Equal Taxing Authority Montgomery County supports legislation to eliminate the distinction in the taxing authority of Virginia's cities and counties.

Study on Restructuring Tax Law Montgomery County supports a timely conclusion to the study on restructuring tax laws by seeking out and incorporating local government input into the study recommendations, and expeditiously enacting legislation to implement these recommendations.

Assessments for Courthouse Construction, Renovation or Maintenance Montgomery County supports amending Section 17.1-281 of the Code of Virginia of 1950, as amended, allowing localities to increase the fees for each civil and criminal action filed in the district or circuit court from Two Dollars (\$2.00) to Ten Dollars (\$10.00) per case.

LAND USE

Land Use Montgomery County supports legislation that requires state agencies to comply with local land use ordinances.

Local Zoning Regulatory Standards Montgomery County opposes legislation which constrains local authority over land use issues; and therefore; opposes legislation that would mandate localities to treat certain manufactured homes the same as site-built homes for purposes of local zoning regulatory standards.

Updating Existing Floodplain Mapping. Montgomery County supports legislation that would enhance and/or increase the use of federal funding for updating existing floodplain mapping, particularly in Montgomery County. Montgomery County supports state funding of the Department of Conservation and Recreation efforts to assist communities in this flood map modernization effort.

Automobile Graveyard Screening Montgomery County supports legislation to amend Section 15.2-903 of the Code of Virginia of 1950, as amended, by adding Montgomery County to the current list of 8 counties that may adopt an ordinance requiring the screening of automobile graveyards and junkyards

Rural Addition Program Montgomery County supports legislative efforts to have the Virginia Department of Transportation (VDOT) reconsider its recent determination that any new private roads in a county, with the exception of family subdivisions, must be designed and constructed to VDOT subdivision street standards or else VDOT will not allow a county to continue participation in the Rural Addition Program.

Eminent Domain Montgomery County is concerned about the recent Supreme Court ruling that local governments can seize private property through eminent domain for economic development purposes. The Montgomery County Board of Supervisors supports legislation to clarify that the power of eminent domain shall be available only for public use and that the term "public use" shall not be construed to include private economic development.

EDUCATION

School. Montgomery County supports full funding of SOQ so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. Montgomery County supports Acost for competing Add-on@ funding for all Virginia School Districts.

JLARC Recommendations Montgomery County recognizes the progress made in implementing the Joint Legislative Audit and Review Commission (JLARC) recommendations for state funding of public education K-12 and supports continued efforts to implement these recommendations.

School Construction Montgomery County supports adequate state funding for school construction and renovations.

School Technology Montgomery County supports state funding for annual technology upgrades and replacements.

HEALTH, HUMAN AND SOCIAL SERVICES

Comprehensive Services Act (CSA) Montgomery County supports full state funding for 100% of the costs of CSA.

Health Department Montgomery County supports full state funding for 100% of the costs of the Health Department.

ENVIRONMENT AND AGRICULTURE

Water and Sewer availability fees Montgomery County supports legislation that would grant counties the authority to enact water and sewer availability fees, and mandatory water and sewer connection powers.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
Gary D. Creed	

R-FY-06-13

A RESOLUTION INCREASING THE ADMINISTRATIVE FEE CHARGEABLE UPON EACH TAXPAYER THAT HAS TAXES THIRTY DAYS OR MORE DELINQUENT FROM TWENTY DOLLARS TO THIRTY DOLLARS

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, Montgomery County presently charges, in addition to all penalties and interest, each taxpayer who has taxes thirty days or more delinquent after receiving notice of delinquent taxes pursuant to Section 58.1-3919 of the 1950 Code of Virginia, as amended, a Twenty Dollar administrative fee to cover the County's administrative cost in collecting the delinquent taxes; and

WHEREAS, Section 58.1-3958 of the 1950 Code of Virginia was recently amended to allow the governing body of any County, City or Town to increase the administrative fee charged on delinquent taxes from Twenty Dollars to Thirty Dollars; and

WHEREAS, Richard Shelton, the Montgomery County Treasurer, has recommended increasing the administrative fee from Twenty Dollars to Thirty Dollars in order to cover the County's administrative cost in collecting the delinquent taxes.

NOW, THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby imposes, in addition to all penalties and interest, upon each taxpayer chargeable with taxes thirty days or more delinquent after receiving notice of delinquent taxes pursuant to Section 58.1-3919 of the 1950 Code of Virginia, as amended, an administrative fee of Thirty Dollars to cover the County's administrative costs in collecting the delinquent taxes.

BE IT FURTHER RESOLVED, This fee shall be effective on the date approved by the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

R-FY-06-14
A RESOLUTION AUTHORIZING THE
COUNTY TREASURER TO DESTROY
PAID PERSONAL PROPERTY TAX RECORDS
AND PAID REAL ESTATE TAX
RECORDS FOR THE TAX YEARS 1986
THROUGH 1999 IN ACCORDANCE WITH
THE VIRGINIA PUBLIC RECORDS ACT

On a motion by Doug Marrs, seconded by Steve L Spradlin and carried unanimously,

WHEREAS, Pursuant to Records Retention and Disposition Schedule No. 28, adopted pursuant to the provision of the Virginia Public Records Act, the County Treasurer is required to retain paid real estate tax records and paid personal property tax records for five years; and

WHEREAS, Before any paid real estate tax records or paid personal property tax records more than five years old may be destroyed, the County Treasurer has to petition the governing body for authorization to destroy the paid tax records in compliance with Records Retention and Disposition Schedule No. 28; and

WHEREAS, By letter dated July 14, 2005, Richard Shelton, Treasurer of the County of Montgomery, Virginia, has petitioned the Board of Supervisors seeking authorization to dispose of real estate and personal property tax paid records for the years 1986 through 1999, in accordance with Records Retention and Disposition Schedule No. 28. The July 14, 2005 letter is attached as Exhibit A and by reference is made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby authorizes Richard Shelton, Treasurer of the County of Montgomery, Virginia, or his designee, to destroy the real estate and personal property tax paid records for tax years 1986 through 1999 in accordance with the Virginia Public Records Act.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs
Gary D. Creed

NAY

COUNTY ADMINISTRATOR'S REPORT

VACo Achievement Award Montgomery County received an Achievement Award on the County's Comprehensive Plan Participatory Planning Initiative. The award will be presented at VACo's annual conference at the Homestead in November 2005. The County Administrator commended Joe Powers, Planning & GIS Director, and Meghan Dorsett, Planner, for their active role in submitting the application for this award.

BOARD MEMBERS' REPORTS

Supervisor Biggs requested the Planning Commission recommendation letters on rezoning and special use permits show how each member voted on each item.

VACo Achievement Award Supervisor Biggs expressed her appreciation to the Planning Commission and the entire Planning Staff for all their hard work, long hours, and commitment to updating the comprehensive plan. This was no easy task and everyone should be commended.

Montgomery-Floyd Regional Library Board elected their new officers at their July 13, 2005 meeting as follows: Chair – Ann Carter, Vice-Chair – Andy Morikawa. Michael Hemphill is in charge of the Library’s Planning Committee. Mr. Hemphill has recommended a library planning retreat to discuss library planning and funding. He will be inviting the Board of Supervisors to this retreat.

Supervisor Muffo Prices Fork Village Plan Supervisor Muffo complimented the Planning Staff on the Prices Fork Village Plan.

Local Real Property Taxing Authority – Resolution from Rockingham County Supervisor Muffo commented on the resolution adopted by Rockingham County which addresses the two gubernatorial candidates on their plan to limit localities right to impose real estate tax. Supervisor Muffo asked if Montgomery County is going to adopt a similar resolution. He believes that the Board should send a message to the gubernatorial candidates on this issue.

By Board consensus, a resolution addressing this issue will be added to the August 8, 2005 Board agenda.

Supervisor Spradlin Prices Fork Village Plan A public hearing on the Prices Fork Village Plan was held July 20, 2005 at the Prices Fork Elementary School. There was a good turn out with good ideas and input. Supervisor Spradlin also complimented the Planning Staff and the citizens committee for such a good job in getting everything together.

Speed Study – Mt. Zion Road – Supervisor Spradlin submitted a petition for a speed study to be conducted on Mr. Zion Road.

Brush Mountain Coal Miners Association will hold a ceremony on Saturday, August 8, 2005 to dedicate the new monument.

Supervisor Creed attended the Transportation Safety Commission meeting. He requested Brake Road be reviewed for possible widening and suggested that Revenue Sharing Funds may be used. He also requested VDOT to cut brush on Flick Drive.

Journey through Meadowbrook- Supervisor Creed attended the Journey through Meadowbrook held on July 12, 2005. A tour of the old Meadowbrook Nursing Home was held to showcase not only the library but the YMCA, the Food Pantry and other community services.

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

(1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Montgomery-Floyd Regional Library Board
2. Social Services Board

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

OUT OF CLOSED MEETING

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
Gary D. Creed	

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

John A. Muffo
James D. Politis
Annette S. Perkins
Steve L. Spradlin
Doug Marrs
Mary W. Biggs
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

OTHER BUSINESS

**R-FY-06-15
APPOINTMENT
MONTGOMERY-FLOYD REGIONAL LIBRARY BOARD**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints ***David L. Collins*** to the Montgomery-Floyd Regional Library Board effective July 26, 2005 and expiring July 25, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Annette S. Perkins	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

**R-FY-06-16
APPOINTMENT
SOCIAL SERVICES BOARD**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints ***Ann L. Hess*** to the Social Services Board effective July 26, 2005 and expiring July 25, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Annette S. Perkins	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, August 8, 2005 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Annette S. Perkins	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

The Chair declared the July 25, 2005 Board of Supervisors meeting adjourned at 10:30 p.m.

APPROVED: _____	ATTEST: _____
Gary D. Creed Chair	B. Clayton Goodman, III County Administrator